

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--|---|----------------------|
| LINDA TELLIS, individually and on behalf of the class defined herein, |) | |
| |) | |
| Plaintiff, |) | Case No.: 08 CV 2854 |
| |) | |
| v. |) | Judge: Darrah |
| |) | |
| CSGA. LLC, BRONSON & MIGLIACCIO, LLP, H. BRUCE BRONSON, JR. and RICHARD J. MIGLIACCIO, |) | Magistrate Judge Cox |
| |) | |
| Defendants. |) | |

MOTION TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO RULE 12(B)(6)

Defendants, CSGA LLC, Bronson & Migliaccio, LLP, H. Bruce Bronson, Jr. and Richard J. Migliaccio, by and through their attorneys, David M. Schultz and Jennifer W. Weller and for their Rule 12(b)(6) Motion to Dismiss Plaintiff's Complaint, state as follows:

1. Plaintiff's Complaint alleges that Defendants violated the Fair Debt Collection Practices Act, 15 U.S.C. §§1692e, 1692e(2), 1692e(5), 1692e(10) and 1692f ("FDCPA"), Illinois Collection Agency Act, 225 ILC 425/8b ("ICAA") and Illinois Consumer Fraud Act, 815 ILCS 505/2 ("ICFA") by filing a lawsuit for collection of a debt from her without having an assignment that complies with Section 8b of the ICAA and without attaching the assignment to the collection complaint.

2. Plaintiff's argument fails for several reasons which are discussed further in defendants' Memorandum of Law in support of their Motion to Dismiss which is filed contemporaneously with this Motion.

WHEREFORE, Defendants CSGA LLC, Bronson & Migliaccio, LLP, H. Bruce Bronson, Jr. and Richard J. Migliaccio respectfully request this court grant their Motion to Dismiss and dismiss plaintiff's Complaint with prejudice.

Respectfully submitted,

By: s/David M. Schultz
David M. Schultz

One of the attorneys for Defendants

David M. Schultz
dschultz@hinshawlaw.com
Jennifer W. Weller
jweller@hinshawlaw.com
Hinshaw & Culbertson LLP
222 N. LaSalle, Suite 300
Chicago, IL 60601
312-704-3000
(f)312-704-3001

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--|---|----------------------|
| LINDA TELLIS, individually and on behalf of the class defined herein, |) | |
| |) | |
| Plaintiff, |) | Case No.: 08 CV 2854 |
| |) | |
| v. |) | Judge: Darrah |
| |) | |
| CSGA. LLC, BRONSON & MIGLIACCIO, LLP, H. BRUCE BRONSON, JR. and RICHARD J. MIGLIACCIO, |) | Magistrate Judge Cox |
| |) | |
| Defendant. |) | |

NOTICE OF FILING

TO: Cathleen M. Combs, Daniel A. Edelman,
Edelman, Combs, Lattuner & Goodwin, LLC
120 South LaSalle Street, 18th Floor
Chicago, Illinois 60603

PLEASE TAKE NOTICE that on **September 5, 2008**, we caused to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, **MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(B)(6)**, in connection with the above entitled cause, a copy of which is attached hereto.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

David M. Schultz
Jennifer W. Weller
HINSHAW & CULBERTSON LLP
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
312/704-3000
312/704-3001 – facsimile
dschultz@hinshawlaw.com
jweller@hinshawlaw.com

s/ David M. Schultz
David M. Schultz

CERTIFICATE OF SERVICE

I hereby certify that on **September 5, 2008**, I electronically filed the above and foregoing **NOTICE OF FILING AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(B)(6)** with the Clerk of the U.S. District Court, using the CM/ECF system reflecting service of to be served upon all parties of record.

HINSHAW & CULBERTSON LLP

David M. Schultz
Jennifer W. Weller
HINSHAW & CULBERTSON LLP
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
312/704-3000
312/704-3001 – facsimile
dschultz@hinshawlaw.com
jweller@hinshawlaw.com

s/ David M. Schultz

David M. Schultz